IN THE HIGH COURT OF JUDICATURE
ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION NO :2516 of 1995

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Dated: 20th August 2007.

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Between:

Sreedharala Krishna Perraju

..... PETITIONER

AND

Government of A.P., rep by its Secretary, Revenue Department, Secretariat Buildings, Hyderabad and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

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W.P.NO.2516 OF 1995

ORAL ORDER:

This writ petition has been instituted calling in question the validity of the notification issued under Section 4 (1) of the Land Acquisition Act, proposing to acquire certain extents of land situate in T.S.No.1535/1 in Railway Station Ward, Ankapalle, Visakhapatnam District, for development under IDSMT Sites and Services scheme undertaken by the Visakhapatnam Urban Development Authority, which is the 2nd respondent in the writ petition.

Though the notification has been published in July 1993 and the declaration under Section 6 of the Act was published in January 1994, no further developments could be taken up under the scheme by the 2nd respondent-Authority. The award enquiry could not be completed and consequently no award in the matter could also be passed. On re-consideration of the entire scheme, the

2nd respondent-Authority has proposed to withdraw the acquisition of the above lands and accordingly it has submitted proposals seeking orders of the State Government to do so.

The learned Government Pleader for Land Acquisition, while confirming that the proposals have

been received by the Visakhapatnam Urban Development Authority, seeking permission to withdraw the lands from the proposed compulsory acquisition, submitted that the State Government had solicited the views of the Chief Commissioner of Land Administration on the proposals and that the C.C.L.A., in turn, has solicited the views of the District Collector, Visakhapatnam, where the matter was resting. But however, it will be appropriate to notice that the Land Acquisition Act, 1894, has been amended by Act No.68/84 by way of introduction of Section 11-A. A tight time frame limit for accomplishing acquisition proceedings has been encapsulated in Section 11-A. It is now made the mandate of law that if no award is made, in terms of Section 11 of the Act, within a period of two years from the date of the publication of the declaration under Section 6 of the Act, the entire proceedings for the acquisition of the land shall lapse.

As noticed supra, in the instant case, the declaration under Section 6 has been made in January 1994 and it is admitted position that no award under Section 11 of the Act has been passed so far. Therefore, by afflux of the period stipulated under Section 11-A of the Act, the land acquisition proceedings initiated pursuant to the notification issued in terms of Section 4(1) of the Act, which is called in question in this writ petition, have lapsed.

The writ petition is, therefore, accordingly allowed, but however, without costs.

Nooty Ramamohana Rao, J

mrk
20th August 2007.